

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 98-297

July 6, 1998

BELL ATLANTIC-MAINE
Request for Waiver of the Service
Quality Index Related to the January
1998 Ice Storm

ORDER

WELCH, Chairman; NUGENT, Commissioner

With this Order, we approve Bell Atlantic's request to waive service quality performance measurements that were abnormally affected by the January ice storms.

On April 10, 1998, Bell Atlantic-Maine filed a Request that the Commission waive a portion of the requirements for the Service Quality Index (SQI) that runs for the 12 months between July 1, 1997 and June 30, 1998. The SQI was adopted as part of the Alternative Form of Regulation (AFOR) for Bell Atlantic. Bell Atlantic requests that the Commission exclude all of the indices for the months of January and February, 1998 because of "severe winter storms that hit Maine on January 7-9 and again on January 23 and 24, [which have] disproportionately affected the service [quality] results"

The Examiner provided the parties who participated in the original investigation leading to the AFOR, Docket No. 94-123, with an opportunity to comment on Bell Atlantic's Request. Comments were to have been filed on or before May 22, 1998; however, no party filed comments.

From our inquiry into the response to the ice storms by Maine's public utilities, Docket No. 98-026, we have learned that the storms affected nearly 90% of Bell Atlantic's service territory, causing the loss of commercial power to almost half of BA's central offices and digital loop carrier sites, thousands of downed service drop lines, and over a thousand broken poles. Bell Atlantic's service quality reports show the storms abnormally affected most of the SQI performance measurements for either or both of the months of January and February.

Our AFOR Order anticipated the impacts on service quality of events (such as the January ice storms) that are not in the utilities' power to control; to wit:

On a case-by-case basis we will consider any major event that causes a very substantial drop in service

quality below the SQI and that was beyond NYNEX's ability to anticipate. If NYNEX makes a compelling demonstration that the effects of a particular significant major event should not be included in the SQI for that year, because it could not be foreseen and its effect could not be anticipated, we will consider a request for exemption.

AFOR Order at 83.

The ice storms and their impacts certainly qualify as major events that were outside Bell Atlantic's control and the company's filing makes the compelling demonstration our order requires; therefore, we grant the waiver request. In granting this waiver, we note this order makes no conclusion about Bell Atlantic's response to the January ice storms; we will address that issue in our ice storm inquiry in Docket No. 98-206. In the calculations of the SQI for the July 1, 1997 - June 3, 1998 period, we will require that Bell Atlantic exclude January and February SQI data and divide the sum of the remaining monthly index measurements by 10.

Accordingly, we

O R D E R

1. That Bell Atlantic exclude all SQI measurements obtained in January and February, 1998, from the SQI calculations for the July 1, 1997 - June 30, 1998 reporting period; and

2. That Bell Atlantic divide the sum of the monthly SQI measurements for each index by 10.

Dated at Augusta, Maine this 6th day of July, 1998.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Nugent

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of adjudicatory proceedings are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 6(N) of the Commission's Rules of Practice and Procedure (65-407 C.M.R.11) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which consideration is sought.

2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320 (1)-(4) and the Maine Rules of Civil Procedure, Rule 73 et seq.

3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320 (5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.